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7 Bialla & Associates, Inc.

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 BIALLA & ASSOCIATES, INC.,

12 Plaintiff,

13 v.

14 SEARS HOLDINGS, INC. AND DOES 1  
15 THROUGH 10, INCLUSIVE,

16 Defendant.

17 AND RELATED COUNTERCLAIMS.  
18

Case No. 08-03529 MAC

**STIPULATION TO EXTEND TIME TO  
RESPOND TO COUNTERCLAIMS**

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STIPULATION TO EXTEND TIME TO  
RESPOND TO COUNTERCLAIMS

CASE NO. 08-03529 MAC

Pursuant to Local Rule 6-1(a), the parties hereby stipulate to extend Plaintiff and Counter-Defendant Bialla & Associates, Inc.'s time to respond to the Counterclaims to September 15, 2008. This stipulation will not alter the date of any event or deadline already fixed by Court order.

IT IS SO STIPULATED.

Dated: August 28, 2008

FENWICK & WEST LLP

By: /s/ Jennifer L. Kelly  
Jennifer L. Kelly

Attorneys for Plaintiff and Counter-Defendant  
Bialla & Associates, Inc.

Dated: August 28, 2008

GLYNN & FINLEY, LLP

By: /s/ Jonathan Eldredge  
Jonathan A. Eldredge

Attorneys for Defendant and Counter-Claimant  
Sears Holdings Corporation (erroneously sued  
as Sears Holdings, Inc.)

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
SAN FRANCISCO

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Jennifer L. Kelly, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 28th day of August, 2008 at San Francisco, California.

Dated: August 28, 2008

FENWICK & WEST LLP

By: /s/ Jennifer L. Kelly  
Jennifer L. Kelly

Attorneys for Plaintiff and Counter-Defendant Bialla  
& Associates, Inc.

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